

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 21, 2010**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of April 21, 2010, was called to order by Mayor Katzakian at 6:30 p.m.

Present: Council Member Johnson, Council Member Mounce, and Mayor Katzakian
Absent: Council Member Hansen, and Mayor Pro Tempore Hitchcock
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

C-2 Announcement of Closed Session

- a) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:52 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:01 p.m., Mayor Katzakian reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Item B(a) and B(b) of the Special Closed Session Meeting, both items were negotiating direction only.

In regard to Item C-2 (a) of the Regular Meeting, this item was discussion only.

A. Call to Order / Roll call

The Regular City Council meeting of April 21, 2010, was called to order by Mayor Katzakian at 7:01 p.m.

Present: Council Member Johnson, Council Member Mounce, and Mayor Katzakian
Absent: Council Member Hansen, and Mayor Pro Tempore Hitchcock
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Zinfandel Month Proclamation

Mayor Katzakian presented a proclamation to Courtney Thommen, Event Manager for the Lodi

Winegrape Commission, proclaiming the month of May 2010 as "Zinfandel Month" in the City of Lodi.

C-2 Presentation of Certificate of Recognition to Lodi Electric Utility Electric Line Apprentices for Their Performance at the Tenth Public Power Lineworkers Rodeo (EUD)

Following introductory comments by Barry Fisher, Construction & Maintenance Supervisor, Mayor Katzakian presented Certificates of Recognition to Josh Ramos and Cody Ellis for their performance at the Tenth Public Power Lineworkers Rodeo.

D. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Johnson made a motion, second by Council Member Mounce, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: None

Absent: Council Member Hansen, and Mayor Pro Tempore Hitchcock

D-1 Receive Register of Claims in the Amount of \$6,722,276.96 (FIN)

Claims were approved in the amount of \$6,722,276.96.

D-2 Approve Minutes (CLK)

The minutes of April 6, 2010 (Shirtsleeve Session), April 6, 2010 (Special Meeting), April 7, 2010 (Special Meeting), April 13, 2010 (Shirtsleeve Session), and April 13, 2010 (Special Meeting) were approved as written.

D-3 Receive Report of Sale of Surplus Equipment (PW)

Received the report of sale of surplus equipment.

D-4 Approve Specifications and Authorize Advertisement for Bids for Janitorial Services for City Facilities (PW)

Approved the specifications and authorized advertisement for bids for janitorial services for City facilities.

D-5 Request for Authorization to Solicit Proposals to Engage an Executive Recruiting Firm to Provide Services Associated with the Recruitment of a City Manager (CM)

Approved request for authorization to solicit proposals to engage an executive recruiting firm to provide services associated with the recruitment of a City Manager.

D-6 Adopt Resolution Awarding Contract for Maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, for Fiscal Year 2010/11, to Creative Outdoor Environment, Inc., of Lathrop (\$18,447) (PW)

Adopted Resolution No. 2010-46 awarding contract for maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, for Fiscal Year 2010/11, to Creative

Outdoor Environment, Inc., of Lathrop, in the amount of \$18,447.

- D-7 Adopt Resolution Authorizing the City Manager to Execute Task Order Nos. 3 and 5 of the City of Lodi Soil and Groundwater Remediation Projects with Stantec Consulting Corporation, of Rancho Cordova, for Groundwater Monitoring Services and Value Engineering Services (\$65,000) (PW)

Adopted Resolution No. 2010-47 authorizing the City Manager to execute Task Order Nos. 3 and 5 of the City of Lodi Soil and Groundwater Remediation Projects with Stantec Consulting Corporation, of Rancho Cordova, for groundwater monitoring services and value engineering services in the amount of \$65,000.

- D-8 Adopt Resolution Approving the Agreement Between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program (PR)

Adopted Resolution No. 2010-48 approving the agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program.

- D-9 Adopt Resolution Authorizing the City Manager to Execute Contract Amendment for Grant-Funded Public Safety Radio Replacement Project with Delta Wireless and Network Solutions, Inc. (\$80,984.72) (CM)

Adopted Resolution No. 2010-49 authorizing the City Manager to execute contract amendment for grant-funded public safety radio replacement project with Delta Wireless and Network Solutions, Inc., in the amount of \$80,984.72.

- D-10 Adopt Resolution Authorizing the City Manager to File Claim for 2009/10 Transportation Development Act Funds in the Amount of \$1,930,253 from Local Transportation Fund and \$1,500 from State Transit Assistance Fund (PW)

Adopted Resolution No. 2010-50 authorizing the City Manager to file claim for 2009/10 Transportation Development Act funds in the amount of \$1,930,253 from Local Transportation Fund and \$1,500 from State Transit Assistance Fund.

- D-11 Receive Information Regarding New Meeting Time for the Lodi Arts Commission (COM)

The item was pulled from the agenda pursuant to staff request.

- D-12 Approve Rate Increases for Kronick, Moskovitz, Tiedemann & Girard for Legal Services Rendered to the City of Lodi (\$5 to \$10 Per Hour Per Professional) (CA)

Approved rate increases for Kronick, Moskovitz, Tiedemann & Girard for legal services rendered to the City of Lodi in the amount of \$5 to \$10 per hour per professional.

- D-13 Authorize the Deputy City Manager/Treasurer to Enter into Agreement with Farmers and Merchants Bank of Central California for the Issuance of a City Credit Card for Interim Police Chief Gary Benincasa and Interim City Manager Rad Bartlam (CM)

Authorized the Deputy City Manager/Treasurer to enter into agreement with Farmers and Merchants Bank of Central California for the issuance of a City credit card for Interim Police Chief Gary Benincasa and Interim City Manager Rad Bartlam.

- D-14 Set Public Hearing for May 5, 2010, to Approve the Final 2010/11 Action Plan for the Community Development Block Grant (CDBG) Program and to Consider Reallocation of

Available Urban County CDBG Funds (CD)

Set public hearing for May 5, 2010, to approve the Final 2010/11 Action Plan for the Community Development Block Grant (CDBG) Program and to consider reallocation of available Urban County CDBG funds.

- D-15 Set Public Hearing for May 5, 2010, to Consider the Appeal of Brandt-Hawley Law Group on Behalf of Charles and Melissa Katzakian Regarding the Decision of the Planning Commission to Approve a SPARC Review for the Reynolds Ranch Commercial Development (CD)

Set public hearing for May 5, 2010, to consider the appeal of Brandt-Hawley Law Group on behalf of Charles and Melissa Katzakian regarding the decision of the Planning Commission to approve a SPARC review for the Reynolds Ranch Commercial Development.

- D-16 Set Public Hearing for May 19, 2010, to Introduce Ordinance Amending Lodi Municipal Code Chapter 13.20, "Electrical Service," by Adding New Section 13.20.320 Titled, "Schedule NST - New Sales Tax Economic Development Rate" (EUD)

Set public hearing for May 19, 2010, to introduce ordinance amending Lodi Municipal Code Chapter 13.20, "Electrical Service," by adding new Section 13.20.320 titled, "Schedule NST - New Sales Tax Economic Development Rate."

- E. Comments by the Public on Non-Agenda Items
THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Jane Kenworthy of the Stockton Symphony spoke in support of the grant provided to the symphony program and the benefits of the program to the community.

Alex Aliferis spoke in regard to his concerns about overgrown trees on the east side of town and the need for tree trimming in light of the recent storms.

- F. Comments by the City Council Members on Non-Agenda Items

Council Member Johnson reviewed an article from the Sacramento Bee regarding AB 155, which would make it more difficult for local governments to file bankruptcy by requiring prior approval from the California Debt Commission.

Mayor Katzakian reported on his attendance at the Groundwater Banking Authority meeting and discussed groundwater management efforts at the State level.

- G. Comments by the City Manager on Non-Agenda Items

City Manager King reported on the meeting to address concerns regarding Elm Street. He stated property owners, business owners, and youth were present and, although there are no specific crimes that are occurring, the concerns were noted and the meeting was positive.

In response to Council Member Mounce and responding to the citizen concern about tree trimming, Mr. King stated the City does have a trained arborist on staff and a tree trimming program for monitoring and trimming City-owned trees.

Public Works Director Wally Sandelin stated the City is divided into six districts for tree trimming purposes, the tree trimming activity has been consistent for the past five years, and staff will follow-up with the citizen regarding his concerns about a specific area that needs tree trimming.

H. Public Hearings - None

I. Communications

I-1 Post for Expiring Terms on the Library Board of Trustees, Lodi Arts Commission, and Planning Commission and Re-Post for Two Openings on the Lodi Budget/Finance Committee (CLK)

Council Member Johnson made a motion, second by Council Member Mounce, to direct the City Clerk to post for the following expiring terms and re-post for two openings on the Lodi Budget/Finance Committee:

Library Board of Trustees

George Neely, Term to expire June 30, 2010

Robert Emmer, Term to expire June 30, 2010

Lodi Arts Commission

Teri Turrentine, Term to expire July 1, 2010

Margie Lawson, Term to expire July 1, 2010

Bonnie Mayer, Term to expire July 1, 2010

Planning Commission

Tim Mattheis, Term to expire June 30, 2010

Lodi Budget/Finance Committee

Two Vacancies, Terms to expire June 30, 2013

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: None

Absent: Council Member Hansen, and Mayor Pro Tempore Hitchcock

J. Regular Calendar

J-1 Receive Report on Response to Comments on the Draft Environmental Impact Report/Environmental Assessment for I-5 Widening from Stockton to Southerly Limits of the White Slough Water Pollution Control Facility (CD) NOTE: This item is carried over from the meetings of 3/17/10 and 4/7/10

City Manager King briefly introduced the subject matter of the response to comments on the draft Environmental Impact Report (EIR) for the I-5 widening.

Community Development Director Rad Bartlam provided an overview of the response to comments on the draft EIR for the I-5 widening project from Stockton to the White Slough Water Pollution Control Facility. Specific topics of discussion included the previous presentation seeking

authorization to provide comments, the anticipated improvements from Central Stockton at Charter Way to north of Eight Mile Road, submission of comments on the draft EIR outlining various impacts from the proposed project, the proposed interchange north of Eight Mile Road, CalTrans response to the City's comments essentially dismissing each of the comments without further analysis, the City's position that the interchange and widening north of Eight Mile Road is premature, the likelihood of additional discussion although the interchange may not be removed from the document, CalTrans notifying the City prior to any action on the final EIR, and the City's option of litigation if there are no additional changes. Mr. Schwabauer stated if nothing changed, staff would schedule a closed session and give the City Council an assessment on the exposure that CalTrans has on the document.

In response to Council Member Mounce, Mr. Bartlam stated the life of an EIR depends upon the type of EIR, as a broad-based EIR has a longer life span because additional work is expected on more specific projects, while a project-based EIR such as the I-5 widening would be valid for approximately five years depending upon the circumstances.

J-2 Reject Proposal from Harvey Gorrell for the Sculpture, "Crane Dance" (Formerly "Rite of Spring"), from Artist Scott Wampler (COM)

City Manager King briefly introduced the subject matter of the "Crane Dance" sculpture.

Interim Parks and Recreation Director James Rodems reviewed the original proposal for the sculpture, previous approval of the donation, follow-up conversation with the artist regarding the withdrawal of the donation, the current proposal seeking \$50,000 for the sculpture, and the recommendation from the Lodi Arts Commission to reject the current proposal in light of the added conditions.

In response to Council Member Mounce, Council Member Johnson stated he is not sure what specifically soured along the way, he met with the father of the artist and saw the art in the foundry, and believes it was a bait and switch.

In response to Council Member Mounce, Mr. Rodems stated the hours of service for installation are no longer included in the \$50,000 price and will be an additional cost for the City to acquire the art if it so chose.

Dave Kirsten, representing the Art in Public Places Committee, stated the current proposal to acquire the piece could exceed \$80,000, the art piece is no longer a donation, and the Committee recommends rejection of the proposal based on the fact that the proposal, which now includes a purchase price, did not go through the standard policy for acquiring public art in the City.

Council Member Mounce made a motion, second by Council Member Johnson, to reject the proposal from Harvey Gorrell for the sculpture, "Crane Dance" (formerly "Rite of Spring"), from artist Scott Wampler.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: None

Absent: Council Member Hansen, and Mayor Pro Tempore Hitchcock

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:55 p.m. in memory of Frank Taormina.

ATTEST:

Randi Johl
City Clerk